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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,176	09/19/2003	Michael J. Sullivan	B03-40	6293

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EXAMINER
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GORDON, RAEANN

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/665,176

Applicant(s)

SULLIVAN ET AL.

Examiner

Raeann Gorden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,7 and 10-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7 and 10-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 7, and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melvin et al. (5,779,562) in view of Sasaki et al (6,620,059).

Regarding claims 1-3, Melvin discloses a golf ball comprising an inner core, outer core, inner cover, and outer cover (fig 1). The inner core has a maximum diameter of 35 mm and the outer core has a maximum diameter of 40 mm (col. 9). Therefore, the inner core may be up to 87.5% of the total volume of the core. The core layers have a compression from 30 to 85 (col. 5, lines 5-10). The core layers have a Shore C hardness from 30 to 90 (fig. 1). Melvin does not disclose a center core larger than 35 mm. However, Sasaki teaches a four piece golf ball comprising a center diameter from 25 to 40 mm (0.98 to 1.57 inches). Regarding claims 6 and 11, the core layers are made from rubber, a cross-linking agent, a filler, and organic peroxide (cols. 5-6). Regarding claim 7, the outer core has a diameter from 30 to 40 mm or 1.18 to 1.57 inches (col. 9). Regarding claim 10, the core layers have a Shore C hardness from 30 to 90 (fig. 1). Regarding claims 12 and 13, the inner cover layer has a Shore D hardness of at least 60 (fig. 1). Regarding claim 14 and 15, the inner cover layer has a

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thickness from 0.01 to 0.10 inch (col. 12, lines 30-31). Regarding claims 16 and 17, the outer cover layer has a Shore D hardness of 55 or less (fig. 1). Regarding claims 18 and 19, the outer cover layer has a thickness from 0.010 to 0.10 inch (col. 15, lines 5-6). Regarding claim 20, the inner cover layer may be made from an ethylene/acrylic acid copolymer or ethylene/methacrylic acid copolymer (col. 13, lines 30-35). The outer cover layer may be made from polyurethane (col. 18). Melvin overlaps the each every limitation claimed by applicant. One of ordinary skill in the art would have varied the ranges for enhanced properties.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melvin et al. (5,779,562). Melvin discloses a golf ball comprising an inner core, outer core, inner cover, and outer cover (fig 1). The inner core has a maximum diameter of 35 mm and the outer core has a maximum diameter of 40 mm (col. 9). Therefore, the inner core may be up to 87.5% of the total volume of the core. The core layers have a compression from 40 to 60 (col. 5, lines 5-10). The core layers have a Shore C hardness from 30-90. While Melvin does not disclose ranges identical to applicant's they do overlap. Therefor the golf ball in the instant invention is obvious over Melvin.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3,6, 7, and 10-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

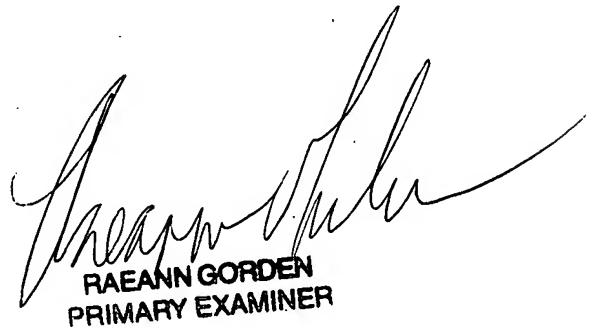
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 571-272-4409. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rg  
December 23, 2004



RAEANN GORDEN  
PRIMARY EXAMINER